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The Advocate

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THE ADVOCATE

Vol. XXVII, No. 21

The Student Newspaper of Fordham University School of Law

March 21, 1996

Third Year Student Cited for Defacing Property

by Jeffrey Jackson ('96)

Third year law student James Killerlane was recently sanctioned for defacing an calendar belonging to Valerie White, a fourth-year evening student and Managing Editor of the Fordham Urban Law Journal.

The sanction was the result of an incident that took place in the Fordham Urban Law Journal office on the evening of January 3, 1996. According to Valerie White, she walked into the office that evening and found that someone had defaced her calendar, which was hanging above her cubicle space in the journal office. The calendar had an African-American history theme and was entitled *The Power of Discovery + The Challenge of History: African Americans in Science*. It showcased various prominent African-American scientists, and the picture that was displayed, that of Christine Darden, had its eyes and mouth filled in with ink from what appeared to be a blue magic marker.

She reported the incident to Bernard Daskal, the Editor-in-Chief of Urban Law Journal, who then telephoned the two people who were last in the office. James Killerlane, who is also the Business Manager of the journal, confessed to the act, apologizing profusely and claiming that the act was not done with any racial animus. He also claimed that the calendar, which was hanging above White's cubicle space, fell onto the desk, and that it was when he went to rehang the calendar that he defaced it. White told him that it wasn't a mere doodle, that his apologies were not accepted, and that "it doesn't wipe anything away." She also told him that "if it were her, she would have been expelled." Furthermore, she told him that this was "very serious" and a "perfect

disrespect" and reminded him of the policy against racial harassment.

The policies against damaging property and harrasment are set out in the Code of Academic Responsibility of Fordham Law School, which is found in the Student Handbook. Under the section entitled "Misconduct," the Code reads:

The following actions committed by a person while subject to this Code are violations of this Code and are punishable by sanctions in accordance with the Procedures described in Part III.

2. *Theft or intentional or reckless damage to University property or the property of another member of the University community (which includes students, faculty, administration, and staff)...*

5. *Verbal or other harassment, or physical abuse of another member of the University community (wherever it shall occur)*

As a result of this incident, Killerlane was not relieved of his position as Business Manager. According to Professor Daniel Capra, who is the faculty advisor of the Journal, he received the following punishment: He was required to write a 15-20 page paper on Christine Darden, to write a formal letter of apology to Valerie White, and to attend sensitivity training. He was given until the end of February to complete the punishment, and in fact completed the punishment. White, commenting on his performance of the punishment, said "He did what he was supposed to do. I left it in the hands of the negotiation. I think it took a little longer than it should have, but once I brought that to their attention, he did what he was supposed to do."

While some who were aware of the incident felt that the punishment was too lenient, Capra cited problems with a harsher punishment. According to him, "It's a delicate situation. The facts are not in dispute, but the interpretation of the intent is in dispute and gives rise to different conclusions. The incident didn't really cry out for expulsion, it was just stupid. It would be easier if it were blatant, because then there could be drastic measures." He did, however, recognize the need for some punishment. He also commented that "Valerie was flexible and very admirable" in her reaction to the situation.

According to Richard Gadsby, third-year chairperson of BLSA, the incident also prompted discussion during a Minority Affairs Committee meeting, which took place on February 23, 1996. During the meeting, students and faculty members discussed what the incident meant to the school in general concerning the comfort levels of the students, racial insensitivity and prejudice.

Gadsby also told *The Advocate* that members of LALSA, BLSA, and APALSA have stated that there is "some level of prejudice existing in the law school." According to these students such prejudice "normally doesn't manifest itself in blatant manners such as this one" but usually in subtle comments, perceptions, etc.

Both James Killerlane and Bernard Daskal refused to comment.

Professor Capra wrote the following letter, which comments on the entire



Picture of defaced calendar, showing Christine Darden

situation.

I was informed of the incident by Bernard Daskal, the Editor-in-Chief of the ULJ. The calendar had already been seen by other administrators, who informed me that reasonable minds could differ about whether the defacement was racially motivated. I was told that James Killerlane freely admitted that he was responsible for the defacement. I first met with Valerie White, and I told her that I respected her concerns and that I would look into the matter. I also told Valerie that no remedy could be acceptable unless she approved it. I then spoke with Mr. Killerlane, who admitted that his act was an inconsiderate one, but denied vociferously that it was racially-based. I informed him that while his intent was relevant, the ultimate question for the school was whether his

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Fordham Law Alumni Luncheon

by Melba Feliberty ('97)

Recently, the Fordham Law Alumni Association held their 47th annual luncheon. It was held in the Grand Ballroom of the Waldorf Astoria where over seven hundred people including alumni and invited guests attended. The luncheon celebrates the election of officers and directors of the association and the presentation of the Medal of Achievement. It also gives the association the opportunity to announce upcoming events such as the Fordham Student Sponsored Fellowship Auction and the 90th Anniversary Gala in May.

The ceremony began festively as Thomas Kavalier, '72 welcomed the alumni by donning a woman's hat. Mr. Kavalier wore the hat to remind himself of the success Hon. Loretta Preska had when she had spoken to the association three years prior. Kavalier presented the newly elected

officers of the association and also welcomed the golden and silver anniversary classes.

The luncheon was highlighted by the presentation of the Medal of Achievement. Since 1952, the Medal of Achievement has been presented to a distinguished alumnus. This year's recipient was James E. Tolan, '62. Mr. Tolan is a partner at Dechart, Price & Rhodes, and a past editor of the Fordham Law Review. He has also served as past president of the Alumni Association.

Reading a letter from Chief Justice Kay, Dean John Feerick noted Mr. Tolan's commitment to public service and his dedication to the law school and his family. Dean Feerick confirmed

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LETTERS TO THE EDITOR

Honest Student Speaks Out Dean Dissatisfied with Inaccuracies

Dear Editor:

I'd like to offer some anonymous support to Anonymous Law Student, who wrote about the lack of supervision by exam proctors at Fordham Law School, and the students who take advantage of this apparently ongoing problem, and cheat.

You're not alone in having ambivalent feelings about turning in a student.

Like you, I witnessed cheating on both of the exams I took at midyear - several students were writing long after the proctor had called time.

During one exam, a student continued to write for a lengthy period after time was called, and was seated near a vocal crowd of students waiting to sign out and hand in their exam booklets. A number of these students were discussing the more challenging questions on the exam, oblivious to the fact that someone within earshot was still writing away.

During the second exam, a proctor caught sight of one of the offending student and yelled at him to stop writing. But the proctor did nothing more about it. When I later discussed the situation with her, she gave me the impression that if I were to complain about that specific students, she would back me up. When I declined to complain formally about the student, and made a general complaint to her that these exams were poorly supervised, she became very defensive. I was left with no reassurance that the same thing won't happen during final exams.

Let the Registrar's office be put on notice that rule-abiding students here at Fordham Law demand more competent proctoring.

During the winter break, a number of students related that they had witnessed the same sloppy supervision of midyear exams. Students in my section saw the same students cheating. Students in other sections saw other students cheating. Everyone I spoke with was upset by it, but nobody knew what to do.

While taking an extra 5-10 minutes to complete an exam, even within earshot of a student discussion of the exam, is perhaps an example of "low-grade" cheating, it should not be tolerated. It should go without saying that the kind of cheating Anonymous described should not be tolerated.

Let the Registrar's office be put on notice that rule-abiding students here at Fordham Law demand more competent proctoring. Check the materials that students bring to exams, call time properly both at the beginning and end of the exams, be certain that students have stopped writing when time is up, and tell students not to discuss the exam until they have left the room. And when you see students cheating, you lodge the complaint. Don't place that burden on us.

Anonymous II

Dear Anonymous:

I read your Letter to the Editor published in the February 14, 1996 issue of the ADVOCATE with mixed emotions. I was proud of our students' concern that the highest standards of honesty be maintained in the Law School. However, I was disappointed that an inaccurate rendition of an incident that took place early in the fall semester had been printed in our school newspaper. I was also saddened that the issues of race and gender were interjected into this issue when they had nothing to do with this matter.

The inaccuracies in the account and the use of irrelevant issues to stir the readers' outrage caused me to recall an exercise utilized by a professor in one of my graduate counselling courses. This exercise, called the "Rumor Clinic", demonstrates the distortion that occurs as

I was disappointed that an inaccurate rendition of an incident that took place early in the fall semester had been printed in our school newspaper. I was also saddened that the issues of race and gender were interjected into this issue when they had nothing to do with this matter.

information is relayed from one individual to another and as each individual's subjective perspective colors the telling of the facts. More importantly, the exercise stresses the importance of skillful questioning and attentive listening to obtain accurate information. Competent lawyers understand how essential these skills are to properly interview a client, to mediate a matter or to litigate.

The unfortunate outcome about spreading misinformation is that it injures individuals and compromises the credibility of the messenger. In this instance, the printing of misinformation resulted in a professor at this law school being maligned through the insinuation that this individual acted unprofessionally. This is far from the truth.

It was the Office of Student Affairs that was informed by a student about the cheating. This Office informed the professor, who was outraged that a member of the class would act in such an unethical manner. At no time did the professor conduct a straw poll to determine how the accused parties should be sanctioned. As permitted by the Code of Academic Conduct, the sanctions for the students involved in the cheating incident were determined by this Office, the Associate Dean, and the Professor. The sanctions imposed were intended to impress on the

students involved the seriousness of the infraction, and were of a severity consistent with those previously imposed in similar instances when no formal disciplinary procedures had been instituted. Because the law school is extremely concerned about developing ethical lawyers, issues of professionalism and ethics played a large role in the orientation of the first year class. It was the discussion of these topics that created the environment which allowed a first year student to come to an administrator with this concern.

Your letter has prompted a discussion of ways in which Fordham can best reinforce its expectation that students, lawyers in training, will conduct themselves by the highest standard of ethical behavior required by the legal profession. To this end some have recommended the implementation of a Student Honor Code. Others have suggested that the Summary Disposition provision in the Code be repealed. At present, if a student "admits violation of the Code and accepts the sanction imposed, no further disciplinary action is taken." Student Handbook at page 44. The repeal of this provision could overwhelm administrators, faculty and students with formal hearings necessary to address violations of the fourteen acts proscribed in the Code. This is probably not the most effective and efficient manner in which to reinforce professional ethics. An alternative might be to make the Summary Disposition provision inapplicable to acts of dishonesty, theft, harassment or physical abuse.

Given that the Student Conduct Committee is currently reviewing the Code in its entirety, this is an opportune time to recommend revisions to Profes-

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sor Fogelman, the Chair of the Committee. The student leaders with whom I have consulted, the faculty, and other administrators would also welcome comments, via the Student Conduct Committee, on how Fordham can best ensure that all students abide by the highest standards of professional ethics.

Nitza Milagros Escalera
Assistant Dean of Students

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THE ADVOCATE
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Dean's Remarks on Luncheon

March 5, 1996

President Stanton; Judge McLaughlin; Thomas Kavalier; our medalist, James Tolan; distinguished members of the dais; faculty, students, and graduates of Fordham Law School.

On this occasion, I would like to express my own gratitude to the Golden Jubilee Class of 1946 and the silver Jubilee Class of 1971. I wish to acknowledge a graduate from an earlier class: Joe McGovern, who received the Second Harvest Award.

While every Annual Luncheon is an important event in our history, this year's gathering is even more special

because we are marking the 90th Anniversary of the founding of our school to be celebrated in a spectacular event on May 14th.

Since our last meeting, I am happy to report that many exciting developments have been taking place at the Law School. The fall semester was marked by wonderful recognitions of the School and our student groups. We won two Championships—the National Tax Moot Court Competition and the Northeast Regional Finals in the Jessip Competition.

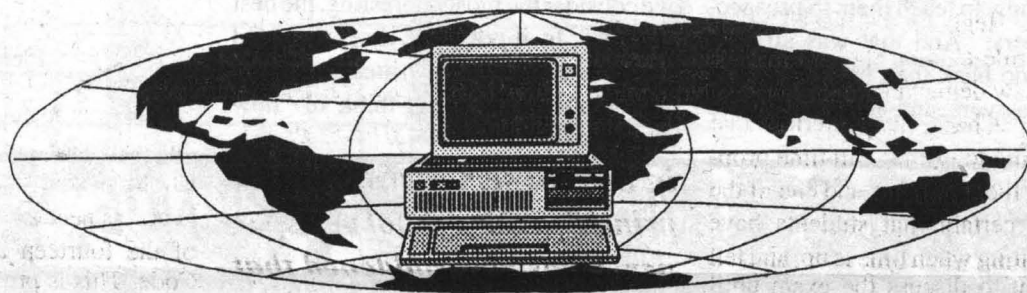
We are very proud of our moot court teams and the Fordham Moot Court Board of Editors, and are grateful for the

leadership of Professor Maria Marcus who has coached our interschool teams for the last 16 years. Her dedication exemplifies the very best and highest standards of faculty service and has won her a special place in the hearts of her students and colleagues.

I conclude my school report by expressing gratitude to a very special graduate, Michael Stanton, whose term as President of the Alumni Association ends today. Mike's years as Chair of the Annual Fund and President of the Alumni Association have been ones of impossible dreams becoming realities for the Law School, Alumni Service and New Alumni Committee Structure.

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LUNCHEON

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this depiction by relaying to the audience one of Mr. Tolan's remarks that "whatever is worth doing, is worth doing excessively." Mr. Tolan stated that he was indeed most proud of his family and children, and of being an alumnus of Fordham Law School. In becoming a lawyer, Mr. Tolan felt that he "wanted to contribute something extra," adding that it was not an accident that Fordham lawyers are committed to public service.

Professor Joseph Perillo, the speaker for the luncheon, concluded the ceremonies by reminiscing about the many years of existence of Fordham Law School. "Nunc Pro Tunc", he spoke of the nomadic character of the school before finding a home at Lincoln Center and the population change as a direct result of admitting women to its classes. Also mentioned was the increase in class size which now exceeds 1400. Perillo finished by submitting his fundraising suggestion for the 21st century, at which time, the covenant of education, which covers the land upon which the school stands, will terminate legally. Perillo suggests that the unused portions of the land should be put to commercial use.

After the luncheon, the festivities continued at the Bull and Bear, the hotel's bar. There, the alumni crowd drank and mingled to their merriment, along with Kavalier who was still wearing Judge Preska's hat.

The Death of Legal Writing

The First Year Drama,
by M. Paulose Jr.

Four or five years ago, there began a movement in the legal atmosphere that claimed title to a revolution, a new concept called "good legal writing." The crusaders behind that revolution argued for a formula: "Be clear and concise," they demanded. "Use present tense, active voice, simple language. Sentence structure should be subject - verb - subject. Subject - verb - subject. Subject - verb - subject. Got that! Ready, set, march!" And so we followed, swept up in a spoon-fed revolution, forced into shouting "Death to the adjective! Death to the adverb! Death to the imagination!"

Of course we students, if not by first instance, eventually became the "les misérables" under all that hysteria. This was so, often not because we couldn't follow the rules, but because our hearts fervently fought against them. Who could blame us; since nursery school we were taught that "Jack didn't come down the hill" but rather "Jack came *tumbling* down the hill" and that no one shouted "Spot run. Spot run." but rather "*Run Spot! Run!*" Present tense, simple language, active voice, humbug to it all. Ladies and gentleman, back when we were young, language was beautiful, the curves of reality, bendable, and writing, good writ-

ing, was awe inspiring.

Yet the revolutionaries demanded otherwise. The effects of the legal world, they argued, necessitated the call for simpler language, especially in those instances when our audience were the laymen-republic. They argued further that time-enough to read had become so restricted that complex language couldn't be swallowed anymore. Memorandums needed to be perused at the glance of an eye, briefs spotted on a run to the train.

Here's a theory against those arguments. See if it holds a candle.

Once upon a time, lawyers ruled the world. They were smart, sharp, outspoken, and earth shattering visionaries. With heaps of stone and clay they built an almost impenetrable fortress, a club house of sorts, where entry was by permission only. And it was from this fortress where the lawyers helped the laymen solve problems, stop time, ease life's little miseries; they, in other words, wrote the law. These laws, once written, were like artifacts, beautifully scribed, etched in stone. Every member in the club understood what the laws meant, how to interpret them, how to explain them, and how to teach them to prospective members. And that was all they needed to do back then because it was only the lawyers and the prospective

members who read the law, not the laymen. The laymen, after all, didn't want to read them. As far as they were concerned they preferred to hear it through the grapevine. It made better sense to them that way. And so it went, happily for the time.

But one day, a prospective member, a student who we would normally consider 'average' across the intelligence spectrum, somehow passed the bar and gained admission into the fortress. Although, he tried, he never quite understood how to write the law, or even understand those laws already in effect. So he began to complain, loud and obnoxiously yet all along convincingly. He pulled from the sky those excuses that "the people needed to understand," that "the lawyers needed to read on the run," when in all actuality it was for his own selfish reasons. Force gathered, and the movement to revamp legal writing began. It was *this* mediocre student, sub par in his intelligence, who had begun the revolution.

Hold a candle? Consider further this: In class, among professors, even within our own opinions, which cases do we consider the most interesting, the best in style? Is it not those cases that read like a story, those cases written creatively, where our minds don't think of "how

many pages left" but rather, "ah ha! I see!"

Take for example, *Youngstown*, where J. Jackson wrote, "Just what our forefathers did envision, or would have envisioned had they foreseen modern conditions, must be divined from materials almost as enigmatic as the dreams Joseph was called upon to interpret for Pharaoh." And what of *Pierson v. Post* (forgive me), the best of the best: "But who would keep a pack of hounds; or what gentlemen, at the sound of the horn and at the peep of day would mount his steed, and for hours together, 'sub jove frigido' or a vertical sun, pursue the windings of this wily quadruped, if, just as night came on . . . a saucy intruder were permitted to come in at the death, and bear away in triumph the object of pursuit?" And what of Cardozo and his writings? He was arguably the greatest legal writer ever to set foot, and sentence structure was the last thing on his mind.

Good legal writing is not about active voice, simple sentences, and so forth, it is about writing creatively, convincingly. The legal writing we are taught now by the movement looks to be the

Please See **DEATH**
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YOU SAY YOU'RE GOING TO DO.

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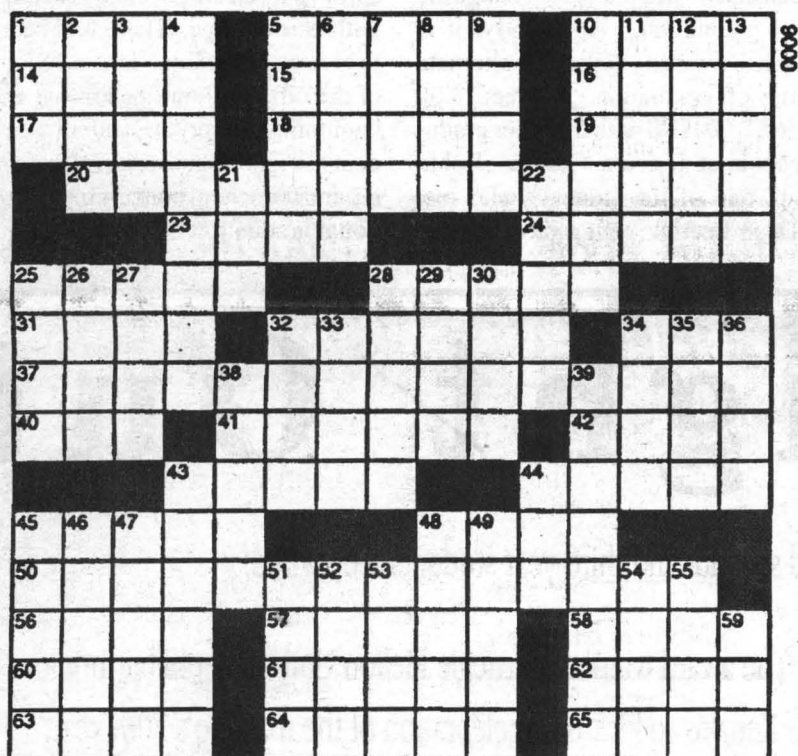
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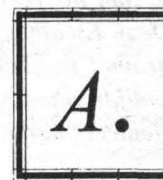
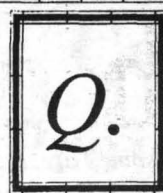
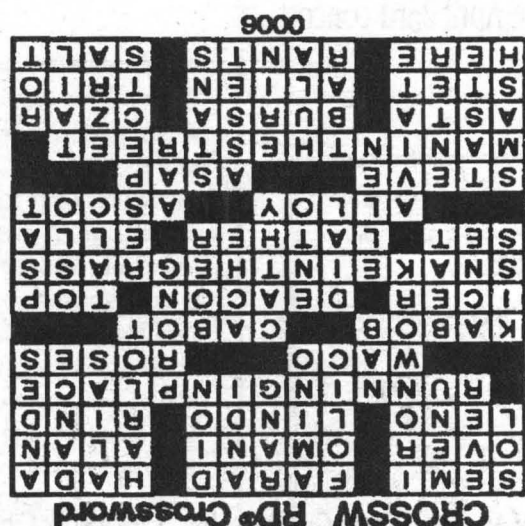
Edited by Stan Chess

Puzzle Created by Richard Silvestri

- ACROSS**
- 1 Hauler on the highway
5 Capacitance unit
10 "I _____ Dream" (1967 hit)
14 Egg order
15 Saudi's neighbor
16 Football Hall of Famer Page
17 Jocular Jay
18 "Cielito _____"
19 Marmalade ingredient
20 Location
23 City on the Brazos
24 Kentucky Derby prize
25 Skewered meat
28 Fifteenth-century explorer
31 Jack Frost's profession?
32 Dick Van Dyke Show actor
34 Outquip
37 Sandspur
- 40 Prepared
41 State of agitation
42 Salmon tail?
43 Metallic mixture
44 Beau tie?
45 Martin or Miller
48 Quickly, quickly
50 Thoroughfare
56 Sleuthing pooch
57 Sadlike cavity
58 Winter Palace resident
60 Proof annotation
61 _____ Nation (1988 film)
62 The Stooges, e.g.
63 Now's partner
64 Gets all worked up
65 Cellar contents?
- DOWN**
- 1 Helios, to the Romans
2 Green head?
3 Dinner reading
4 Smeltery product
5 Kind of acid
6 Another kind of acid
7 Called up
8 The Egg _____
9 "Drip Drop" singer
10 Painted woman
11 Smith, perhaps
12 Twist or stomp
13 Vicuna's habitat
21 Haul in
22 Antler point
25 It's sometimes stolen
26 Adolescent affliction
27 Ringo's responsibility
28 Ms. Guisewite or her strip
29 Hanker
30 Warrior of 1899
32 Face on the wall
33 Inner, in combinations
34 Mg, Si, O, _____ (OH)₂
35 Akershus Castle site
36 H.S. exam
38 Actress Greene
39 They're often paid
43 Play the ace?
44 Swiss waterway
45 Overhead
46 Sample the sherry
47 Log in
48 Piece of property
49 Secretary of commerce: 1969-72
51 Stowe sight
52 Honolulu bowl game
53 She was Joanie on Happy Days
54 Book before Nehemiah
55 Peacock's pride
59 Rubbish



ANSWER

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DEATH

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death of the legal world's prestige. I see mediocrity, monotony, and bare to the bones writing. Just look at a memo, your own preferably, and imagine how much more effective it would have been if you weren't bound by those oppressive rules. Imagine further, a partner's interest in reading that version of your memo. According to today's rules, however, he would rather not read it at all.

PART II

This leads me to Fordham's legal writing program and how much it fails in its purpose. Open minds are needed in particular here, so if you trail the conservative's path, read no further. It may also help to inform the reader that this writer has an excellent grade thus far in the program. So here is a happy man, nevertheless throwing stones.

The underlying motive behind Fordham's legal writing program is to make its students better writers. It is a fruit off the revolution's tree, a fruit we are forced to bite or else fail. There are the usual rules of present tense, active voice, and plain language. Three papers are due - a short memo, long memo, and a brief - consummating with the presentation of an oral argument. Sounds good at first, but in hindsight, we laugh.

There were several problems. First was the professors - most were adjunct, three were full-time. This led to a medley of amusing stories. Classes were fifteen minutes, some held between the respective professors' office lunch hours. Often, however, there was no class at all. A relief to us, thank God, but notice that already the program failed in its purpose. Who was to critique our writing, if those who held the job were never around?

Thus, the consequent problem of feedback arose. Memos were scribbled in pencil with at most two remarks: "Use active voice" and "'Here', instead of 'In

this case'". Worse yet were the individual sessions where feedback was even more sparse. It is admitted, however, that there were a few professors who were remarkable in their corrections and comments. I think of Professor Rosenbaum and his magic pen. The students who had him should have considered themselves lucky, at least compared to the rest of us.

But even if there were well-constructed criticisms, when did the student ever get to implement their revisions? The program warrants only three papers. Is that enough? Hypothetically, you do poorly on the first memo, you revise, you do better on the long memo, your grade thus far is a B+. Now what? You sit and pray that your brief, the final paper, and that which measures the body of your grade, is more like your second paper than your first? Is that what you are left with, a prayer? Now imagine if there were six papers due. Practice - that which makes everything so perfect - would only then be able to take effect.

This leaves the issue of time, or lack of it. A fair amount of students had cut class to either write, rewrite, or begin anew their papers. Full credit courses resultingly were sparsely filled. Professors were furious. Education, let's just say for this article's sake, was brutally impaired.

The question of "why did we spend so much time?" arises at this point. Prevalently because some of the issues were so complex, and needlessly at that. Are not the final exams a test of spotting issues? They are, and that is where they need to be, not in a writing course. Whatever questions the fact pattern laid forth in our memo assignments should have been a bit more clearly and easily found, not hidden amongst a convoluted plot line.

Which brings us to the problem of

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action could possibly be construed as a racial incident. If it was, the school would have to impose a remedy, in order to send a message that no such acts could be tolerated.

I then conferred extensively with Dean Escalera on the appropriate remedy. Dean Escalera and I came to the following solution: in order to remain on the ULJ Board, Mr. Killerlaine would have to: 1. Prepare a 15 to 20 page paper on Dr. Christine Darden, the person whose picture he defaced; 2. Submit a formal letter of apology to Valerie White; 3. Undergo sensitivity training in a program chosen by Dean Escalera.

I submitted this proposed solution to Valerie White, and she agreed to it. I then submitted the proposal to Mr. Killerlaine and he agreed to it. I gave Mr. Killerlaine until the end of February to comply. By midFebruary, Mr. Killerlaine had submitted a 17 page report on Dr. Darden. In my judgment, the report was extensively researched and well-written; Mr. Killerlaine encountered substantial difficulties in his research, since much of the information on Dr. Darden is classified, and he was, I believe, very diligent in finding source materials. Mr. Killerlaine also submitted a formal letter of apology and signed up for sensitivity training.

Your article states that "some who were aware of the incident and the punishment felt that it was too lenient." I am

not sure who those "some" are. It could not have been Valerie White, who approved of the remedies in advance. I would also point out that the remedies were approved by Dean Escalera, who has a stellar background in civil and human rights. No credible claim can be made that Nitza is "lenient" about incidents such as these.

Finally, it should be noted that the entire ULJ board will be taking a sensitivity training course on March 22. Bernard Daskal has graciously invited board members from the other journals to participate as well.

The incident that is the subject of your article was an unfortunate one. All law students and lawyers should show respect for the property of another. And we should all think in advance about whether an action could be construed as racially-biased, whether or not that is the intent of the actor. Thus, the school had to and did act aggressively to remedy both the actual and the perceived wrong. I strongly believe, however, that no further action is necessary and that everybody should get on with their lives.

Hopefully, we have not come to the point where every intramural dispute between members of different races must be deemed the result of racial animus. On the other hand, if an incident is in fact the result of racial bias, I believe that expulsion and other extreme remedies are absolutely warranted.

3Ls Unhappy with Late Graduation

A proposal to change the time of this year's graduation was rejected by the administration.

A group of third year students met with Dean Feerick last month to discuss the possibility of moving this year's graduation, which is scheduled for Sunday, May 19th at 7:00 P.M., to an earlier time. The students complained that holding graduation at 7:00 P.M. would not leave sufficient time after the ceremony to socialize with relatives and friends who came to celebrate their graduation, since graduation ceremonies last about three hours. The class of 1996 will graduate 572 people, making the ending time of this year's graduation about 10:00 P.M.

To demonstrate the widespread concern among third year students, the group produced a petition, which was circulated last month among members of the class of 1996. The petition accumulated about 85 signatures.

Unfortunately, Dean Feerick announced that he was unable to change the time of graduation. Apparently, it is Fordham University policy to alternate the time of graduation between 3:00 P.M. and 7:00 P.M. with the other graduate schools at Lincoln Center. Robin Dunlop, one of the students who met with Dean Feerick, suggested that the

Law School ask the Unity Church, which holds services at Lincoln Center at 11:00 A.M. on Sunday, if they would allow the Law School to hold graduation ceremonies at that time. According to Dean Feerick, it was too late to make such arrangements. However, a possible pre-reception, which would accommodate guests of students unable to attend graduation, was discussed.

Dunlop, one of the more vocal members of the group, was not pleased with the outcome. She stated, "After spending \$75,000 in tuition, it shouldn't take the students to raise the issue of the time of graduation. The fact that we switch times with the other schools shows that 7:00 is inconvenient. Nobody wants to have graduation that late." However, she did urge the class of 1998 to take action so that they would not face the same situation.

Another issue concerning this year's graduation is the number of tickets that each student will receive. According to Dean Escalera, each student will receive three. There will be a raffle to give out additional tickets, but the date of the raffle will not be known until the beginning of April. Escalera urged students to ignore the various flyers posted around the school concerning 1000 additional graduation tickets.

A Free Night Out

There's a concert at Carnegie Hall and second- and third-year students are invited.

It's in April, before exams and bar review courses cramp your social life. The award winning Carnegie Mellon University philharmonic will perform works of the Greek contemporary classical composer Iannis Xenakis to kick off a celebration of the maestro's 70th year.

The tickets would be \$35 each if you had to pay for them, but second- and third-year students can get up to 2 free.

The program includes works for full orchestra, small percussion ensemble, and soloist. *The Washington Post* thinks the CMU Philharmonic is "decisive and clean playing." Was your last memo of law that good?

So, fill out the coupon and invite a friend for a night at Carnegie Hall. And then get back to work.

We'll mail your tickets to you a few weeks before the April 23rd concert.

The curtain goes up at 8:00PM.

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Address _____

Phone _____ Grad yr _____ # of tix ^{1 2}

If you prefer, you can e-mail the above information to acg@panix.com or sign-up outside The Advocate office.

Mail to:

Attorney Career Guidance

149 Fifth Avenue, Suite 709

New York, NY 10010

Tickets provided courtesy of Attorney Career Guidance, Inc., a New York City-based transition consulting firm for law students and attorneys.

WRITING

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research, the most important ingredient to good legal writing. The one time I ever witnessed competition rear its ugly head in this school was during the research-run of the short memo. Quite embarrassing I would say, and even more when I think of how people subsequently spoke of Fordham: "Oh that school; I heard everyone there was a damn cut throat." Was it worth it for 20% of a three-credit course?

Finally, there is the problem of grades. Listen to this one carefully. If the purpose behind the legal writing program is to teach us to become good writers, does that not mean that idealistically at the end of the year we should *all* be good writers? If we are not, did the program not *fail* in its *purpose*, especially when considering the fact that there is no mandatory upper level legal writing requirement? Would the school dare leave us out to dry? Say, sorry you're just a bad writer, we did our job and gave you that one shot? Hardly, I would imagine. Thus, the corollary problem: How can they promulgate a 'grade curve', declaring that some students don't deserve an 'A' when we are all supposed to get an 'A'? An example may be illustrative at this point. Imagine a class of eighteen. In the beginning, some get what the school's opinion of good legal writing is and some do not. The grade curve works to a tee at this stage, awarding just enough 'A's to those who do "get it." But as the semester goes by, and consistent with the purpose of the program, more and more students begin to understand how to write as expected. After all, how difficult is it to fracture your own style and write in the active voice, subject - verb - subject, and so on? The curve doesn't fit quite so properly anymore. More students are deserving of an 'A', yet the professors are forced by policy to draw an arbitrary line. Is that fair?

So there are a number of problems with Fordham's legal writing program. They give us a skim off the top on how to write in this farcical style which in itself belies the general consensus that a document should be interesting no matter how dull or complicated the subject matter.

So what do we do?

Part III

One recommendation, that is all: Abolish the legal writing program. In its place incorporate a hybrid program, one such as the program Section 8 experiences via their Property class. What they do is submit a short memo, facts assigned by the professor, once a week. In words it sounds trifling. But consider that each paper is worth barely a sweat, that issues are narrow, that feedback is every week, that experience comes into play, and that there is no curve. The students of Section 8 by the end of this year will be writing memos perhaps in as little as one

day. Moreover, their final grade is not based entirely on some absurd roll-of-the-dice final exam. Their memo grades are incorporated into the final cut. What a relief especially considering that those final exams usually sound the death-nell for most of the student body.

It is time to put the legal writing monster to sleep. It is more trouble than it is worth. It appears that most of the credit-professors have begun the shout against it. It is now our turn to also break the lines. Subject - verb - subject must go down. Cardozo would be proud.

Addendum

In all likelihood, this will be my last column for *The Advocate*. Enjoyable as it was to write these ramblings, exams are racing their way around the corner. Before I go, I would like to thank Jeffrey Jackson for support and Toni S. Jordan for editing all these tangling sentences. It was fun while it lasted.

Community Service Project Announcements

Community Service Project Announces the Spring Clothing & Book Drive

The Community Service Project would like to announce the 1996 Spring Clothing & Book Drive. All students, faculty and staff are encouraged to start spring cleaning now and bring any clothing or books to the collection area outside of Room 08 in the Law School.

CSP will begin collecting items on the first day of Spring, March 20. The Drive will continue through March 29. This is a good excuse to clean up your apartment and a great opportunity to help those in need. If you have any questions, please call CSP at x6970, or stop by Room 08.

Students Who Would Like to Be On Next Year's Board Wanted

The Community Service Project is looking for students to be on the CSP Board for the '96-'97 school year. CSP is a clearinghouse which matches students with organizations that need volunteers. This year CSP has sponsored volunteer fairs, blood drives, clothing drives, food drives and Habitat for Humanity trips. Members of this year's Board also produced the Manual of Volunteer Organizations. The current CSP Board would like to get next year's Board involved early, so all interested students should stop by Room 08 of the Law School, or call x6970, to express their interest at their earliest convenience.

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LET'S SET THE RECORD STRAIGHT: AN OPEN LETTER TO THE NATION'S LAW STUDENTS

More than 25 years ago, I founded BAR/BRI Bar Review upon two core principles: first, law students deserve the best and most up-to-date bar review possible; second, they should expect their bar review course to maintain the highest ethical standards in informing students about the courses. Since that time everyone at BAR/BRI has held fast to those principles.

Unfortunately, the nation's newest bar review, West Bar, has not.

In law schools across America, West Bar has blanketed bulletin boards and flooded student mailboxes with misleading flyers and letters. Students everywhere are being asked to believe that BAR/BRI has been stripped of its best and brightest.

I assure you that nothing could be farther from the truth. In over 25 years as the President and CEO of BAR/BRI, I have never responded directly to the claims and puffery of other bar review courses. However, in light of the sheer volume of misinformation, I feel compelled to separate fact from fiction.

FICTION: BAR/BRI's management has left.

FACT: Last year, *two* former BAR/BRI employees started West Bar. Contrary to West Bar's claims, neither ever served as the President or National Director of our company. In fact, both were primarily regional directors with no meaningful input in the creation or editing of materials or lectures. It is true, however, that these two former employees aggressively pursued many of BAR/BRI's attorneys. Their efforts fell flat. Of the more than 50 attorneys working for BAR/BRI nationwide, a grand total of *one* left.

FICTION: All of BAR/BRI's best faculty "went West."

FACT: Here too, West Bar's aggressive pursuit was in vain. BAR/BRI has *over 300 lecturers* in 46 jurisdictions. *Only 10* left to join the two former BAR/BRI employees in their "start-up" bar review. *Seven of these ten* were ranked in the bottom 25% on BAR/BRI student evaluations.

Your bar exam is too important to be left to inexperience. I know that students have historically selected their bar review course based on experience and quality. I trust that BAR/BRI's more than 25 years of preparing students for bar exams nationwide counts as experience. And I am sure that *over 500,000* successful attorneys can vouch for our quality.

We look forward to helping you make the bar exam a once-in-your-lifetime experience.

Sincerely,

Richard J. Conviser
President & CEO